

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations

(LCB File No. R150-15)

NOTICE IS HEREBY GIVEN that the Director for the Nevada Department of Health and Human Services will hold a public hearing to consider adoption of regulations revising provisions relating to health facilities; defining the term "letter of approval" for the purposes of those health facility construction projects requiring approval from the Director; interpreting provisions defining a health facility for such projects; revising provisions requiring the provision to the Department of a quarterly progress report on certain health facility construction projects; and providing other matters properly relating thereto. This public hearing is to be held on May 16, 2016, at 10:30 a.m. at the following location:

Nevada Department of Health and Human Services
Director's Office Conference Room
4126 Technology Way, Suite 100
Carson City, NV 89706

Call-In Line #888-273-3658 Access #5658062

The proposed adoption of regulations to amend Nevada Administrative Code (NAC) 439A include the following:

- Add definition of "Letter of Approval" to reference *Certificate of Need*;
- Interpret "routine services for health" to exclude services that require construction of a new facility or expansion, renovation or redesign of the existing office at a cost that exceeds \$2,000,000;
- Remove requirement for cashier's check under NAC 439A.365;
- Allow requests for extension to be communicated through a quarterly report under NAC 439A.465 and 439A.475;
- Remove exception for a facility which will be used solely for the offices of practitioners of health care under NAC 439A.595; and
- Repeal section on capital expenditures for which approval is not required under NAC 439A.338.

1. Anticipated effects on the businesses which these regulations will affect:

- A. *Adverse effects*: The proposed change to the interpretation of "routine services for health" and the removal of the exceptions for medical offices will result in broader application of the Certificate of Need. This could be adverse for physicians who

propose to construct large facilities. For example, construction of large imaging centers or large diagnostic centers that previously were exempt if they were owned and operated by physicians, would now require a letter of approval, if they meet the other criteria for cost and service area population.

- B. *Beneficial*: The proposed change to the interpretation of “routine services for health” and the removal of the exceptions for medical offices will result in broader application of the Certificate of Need. This is beneficial for rural and/or critical access hospitals whose financial stability may be undermined by competition from imaging or diagnostic centers that do not have requirements for comprehensive or emergency health care services. Consequently, this supports more stable health care costs and health care access for the consumers, which is the intent of the Certificate of Need program.
- C. *Immediate*: For physicians, the stated adverse effects would begin with the first application received following approval of the proposed regulations.
- D. *Long-term*: For rural and/or critical access hospitals, the beneficial effects would support their sustainability over the longer term.

2. Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Consumers accessing a broad range of health care services in the community benefit from stable services over the longer term.
- C. *Immediate*: No immediate impact is anticipated.
- D. *Long-term*: Long-term stability for both access to health care and cost of health care.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be \$0, because Certificate of Need applications and the review process are fully supported with application fees.

The proposed regulations do not overlap or duplicate any other Nevada regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2” x 11” pages must submit the material to Laura Hale, to be received no later than May 9, 2016 at the following address:

Primary Care Office
Division of Public and Behavioral Health
4126 Technology Way, 2nd Floor NE
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow the Director adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

NV Division of Public and Behavioral Health 4126 Technology Way, 1 st Floor Carson City, NV 89706	Nevada State Library 100 Stewart Street Carson City, NV 89701
Churchill County Library 553 South Maine Street Fallon, NV 89406 Churchill County Phone: 775-423-7581	Douglas County Public Library 1625 Library Lane Minden, NV 89423 Douglas County Phone: 775-782-9841
Battle Mountain Branch Library 625 South Broad Street Battle Mountain, NV 89820 Lander County Phone: 775-635-2534	Elko County Library 720 Court Street Elko, NV 89801 Elko County Phone: 775-738-3066
Eureka Branch Library 210 South Monroe Eureka, NV 89316 Eureka County Phone: 775-237-5307	Goldfield Valley Library Corner Crook & Fourth Goldfield, NV 89013 Esmeralda County Phone: 775-485-3236
Humboldt County Library 85 East 5th Street Winnemucca, NV 89445 Humboldt County Phone: 775-623-6388	Clark County Library 1401 E. Flamingo Rd. Las Vegas, NV 89119 Clark County Phone: 702-507-3400
Lincoln County Library 63 Main Street Pioche, NV 89043 Lincoln County Phone: 775-962-5244	Central Library 20 Nevin Way Yerington, NV 89447 Lyon County Phone: 775-463-6645
Mineral County Library 110 First St Hawthorne, NV 89415	Pahrump Community Library 701 East Street Pahrump, NV 89041

Mineral County Phone: 775-945-2778	Nye County Phone: 775-727-5930
Pershing County Library 1125 Central Ave Lovelock, NV 89419 Pershing County Phone: 775-273-2216	Storey County Library 175 E. Carson St. Virginia City, NV 89440 Storey County Phone: 775-847-0541
Downtown Reno Library 301 S. Center St. Reno, NV 89501 Washoe County Phone: 775-327-8300	White Pine County Public Library 950 Campton Street Ely, NV 89301 White Pine County Phone: 775-293-6900

A copy of the regulations and small business impact statement can be found on-line by going to:
http://dpbh.nv.gov/Programs/Certificate_of_Need/Certificate_of_Need_-_Home/.

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health, Primary Care Office at (775) 684-4041 in Carson City.

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.